

REMARKS

Claims 5 and 16 have been objected to as being in improper dependent form. The objection is moot in view of their cancellation.

Claims 1-17 have been rejected under 35 USC 103(a) as unpatentable over Ertz in view of Shonozaki. Applicants respectfully disagree, and request reconsideration.

The invention relates to a method and apparatus that allows for servicing a high priority (e.g. emergency) call, even if all available lines are currently blocked by low priority calls, by freeing the resource allocated to one of the low priority calls.

Referring to page 4 of the Office Action, the Examiner discusses the relevance of Ertz to claim 3, now incorporated into claim 1. Essentially, the Examiner argues that priority of an incoming call is determined using destination information items (ANI) transferred in the course of the current instance of access. However, col. 1, lns. 35-41 of Ertz, define an ANI as "automatic number identification." More specifically, the reference states that "an ANI code is in the form of eight bits, including a seven digit TN [telephone number] and one information bit that represents the numbering plan digit, or area code, within which the call **originated**." (Emphasis added). Thus, the ANI must be a source information item, not a destination information item. As readily understood by the skilled artisan, an ANI is used to identify the caller, not the destination of the call. The function served by an ANI is similar to a caller-ID feature that is blocked by the caller which is useful, for example for tracking back improper calls to the police. In Ertz, the ANI is used to determine the nearest public safety answering point where an emergency call is to be routed. In the instant application, on the other hand, the destination data is used to determine a priority of a call based on which allocation of network resources will take place. Hence, apart from the fact that information items transmitted from the caller are used while establishing the emergency call, there is no further correlation between Ertz and the claimed invention.

Applicants therefore submit that Ertz fails to disclose that a priority of an access to the communications network will be determined using *destination* information items transferred in the course of the current instance of access, as required by the claims (see, for example, claims 1 and 13). Moreover, Ertz fails to disclose assigning a high priority to access transferring information items with destination information items identifying an emergency call center.

Indeed, the cited portions of Ertz by the Examiner only mention the word "priority" with regard to possible destinations which are "in a preferred priority." This refers to a preferred destination where an emergency call should be routed, if possible. This notion is supported in Ertz because it routes an emergency call to the nearest public safety answering point or to another public safety answering point if the nearest point is not available. As noted, in the claimed invention on the other hand, the priority level of an incoming call determines whether the call may interrupt another call in order to service the incoming (e.g. emergency) call, whereas in Ertz the information represented by the "destinations being in a preferred priority" is not used to conduct allocation of network resources to an instance of access to the communication network.

Shionozaki is relied upon as disclosing information transfer are released or made available or corresponding transmission resources allocated for the transfer of information items assigned a low priority are released or made available (see Examiner's comments on page 3 of the Office Action). However, Shionozaki fails to disclose those features addressed above in accordance with the claimed invention.

Since the recited structure and method are not disclosed by the applied prior art, either alone or in combination, claims 1 and 13 are patentable. Claims 2 and 6-12, depending from claim 1, and claims 13-14 and 17, depending from claim 12, are similarly patentable.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-053.

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Dated: August 13, 2007